
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

ANDRE'A DARIUS JOHNSON,

Plaintiff,

*versus*USP BEAUMONT STAFF, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:22-CV-313

MEMORANDUM ORDER

Plaintiff, Andre'a Darius Johnson, an inmate confined at USP Beaumont, proceeding *pro se*, filed this *Bivens*-type action¹ against Defendants USP Beaumont Staff, USP Medical Staff and the United States of America.

This case was dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b) (#12 & 18). Plaintiff failed to pay the initial partial filing fee as ordered. On March 22, 2023, Plaintiff filed the pending Motion for Reconsideration, arguing he could not pay the initial partial filing fee due to encumbrances on his inmate trust account (#20). On May 2, 2023, however, the Clerk of Court docketed the initial partial filing fee payment of \$34.00. As a result, Plaintiff's Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) should be granted, to the extent it requests that this case be reopened.

ORDER

It is, **ORDERED** that this court **GRANTS** a **NEW TRIAL** pursuant to Federal Rule of Civil Procedure 59(e). The **CLERK OF COURT** is **ORDERED** to **VACATE** the

¹ See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

MEMORANDUM ORDER and **FINAL JUDGMENT** entered on December 7, 2022, and March 9, 2023, respectively, and restore this case to the active docket.

SIGNED at Beaumont, Texas, this 4th day of March, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a large, stylized "M" and "C".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE